

it lies in more than one county, or in the city of Baltimore and a county, it shall be recorded in all the counties and the said city in which such land lies.

### Creditors, notice; parties.

A deed not recorded as provided by this section does not affect existing creditors or creditors becoming such between the date of the deed and the date of its record. As to such creditors without notice, the deed is valid and effective only as a contract for the conveyance. Creditors held not to be charged with notice, by possession or otherwise. *Hearn v. Purnell*, 110 Md. 466. And see *Hoffman v. Gosnell*, 75 Md. 590; *Sixth Ward Bldg. Assn. v. Willson*, 41 Md. 514.

The rights of creditors subsequent to the date of a mortgage not recorded as provided in this section, will be protected in equity as well as at law. Such creditors share *pro rata* with the mortgagee. *Sixth Ward Bldg. Assn. v. Willson*, 41 Md. 514.

Where a succession of mortgages—the first given to secure a loan and the others to secure renewals thereof every forty-five days thereafter—were withheld from record for more than six months for the purpose of upholding the mortgagor's credit, the last of the series of mortgages, although recorded in due time, is void as to creditors and the mortgagor's trustee in bankruptcy. *In re Noel*, 137 Fed. 694. And see *Gill v. Griffith*, 2 Md. Ch. 282. *Cf. Alexander v. Ghiselin*, 5 Gill, 180.

Although a deed be defectively executed or acknowledged, or not recorded in time, it is effective as between the parties, and against third persons with actual notice. Proof of notice. *Johnston v. Canby*, 29 Md. 211; *Phillips v. Pearson*, 27 Md. 249; *Bryan v. Harvey*, 18 Md. 127; *Williams v. Banks*, 11 Md. 198; *General Ins. Co. v. United States Ins. Co.*, 10 Md. 517; *Winchester v. Baltimore, etc., R. R. Co.*, 4 Md. 231; *Price v. McDonald*, 1 Md. 403; *United States Ins. Co. v. Shriver*, 3 Md. Ch. 381; *Salmon v. Clagett*, 3 Bl. 125; *Gill v. McAtee*, 2 Md. Ch. 256; *Ohio Life Ins. Co. v. Ross*, 2 Md. Ch. 26; *Hudson v. Warner*, 2 H. & G. 415.

The recording of a defectively acknowledged deed, does not operate as constructive notice. *Cockey v. Milne*, 16 Md. 207; *Johns v. Scott*, 5 Md. 81.

### Generally.

The acknowledgment must be recorded along with the deed, and if it is not so recorded, the record gives no additional validity to the deed. When a certified copy of a deed from the record is admissible in evidence. How the time of the record of a deed may be proven, and when it is a question of law, and when a matter for the jury. *Budd v. Brooke*, 3 Gill, 230. And see *Johns v. Reardon*, 3 Md. Ch. 60; *Carroll v. Norwood*, 1 H. & J. 167; *Smith v. Steele*, 3 H. & McH. 103.

Under this section, a deed of trust for benefit of creditors conveying real property, must be recorded within six months in the county where the real estate lies. *Stiefel v. Barton*, 73 Md. 411. *Cf. Hoopes v. Knell*, 31 Md. 555.

An assignment of a mortgage of a term of more than seven years, if not recorded, is invalid to pass the legal title. *Lester v. Hardesty*, 29 Md. 54.

This section referred to as showing the indispensable necessity of the registration of deeds. The recording is the final and complete act which passes title; until this is accomplished, everything else is unavailing. *Nickel v. Brown*, 75 Md. 186.

A deed recorded in time as to the real estate, upheld as to such realty, although invalid as to the personal property. *Hoopes v. Knell*, 31 Md. 554.

In the light of this section, and of secs. 16 and 33, a plaintiff in ejectment was held to have an equitable title only to the portion of a tract of land lying in Worcester County, where the land lay partly in Worcester and partly in Somerset County, and a mortgage and deed (of the whole tract) under which the plaintiff claimed, was recorded in Somerset County only. *West v. Pusey*, 113 Md. 572.

For a mortgage recorded in the wrong court, and hence a copy thereof held not admissible in evidence, see *Gassaway v. Dorsey*, 4 H. & McH. 405.

A mortgage held to be duly recorded under this section. *Knell v. Green St. Bldg. Assn.*, 34 Md. 70.

This section referred to in construing secs. 20 and 22—see notes to the latter. *Cramer v. Roderick*, 128 Md. 424.

This section referred to in construing secs. 11 and 20. *Brydon v. Campbell*, 40 Md. 336.

Effectiveness of recording deeds, mortgages, etc., not affected by failure of clerk to index same. *Standard Finance Co. v. Little*, 159 Md. 623.

See notes to sec. 22 and to art. 66, sec. 26.

This section referred to in construing Art. 23, Sec. 221. *Pa. R. R. Co. v. Green*, 171 Md. 67.

Cited in *Blanch v. Collison*, 174 Md. 433.

As to recording bills of sale and chattel mortgages, see secs. 49 and 50.

See also secs. 1, 16, 17, 20, 21, 22 and 30, and notes.